

**FINAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING PROPOSED CHANGES TO THE
2001 CALIFORNIA BUILDING CODE (CBC)
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2**

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a final statement of reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS

(Government Code Section 11346.9(a)(1) requires an update of the information contained in the initial statement of reasons. If the update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the initial statement of reasons, the state agency shall comply with Government Code Section 11347.1)

No data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying has been added to the rulemaking file that was not identified in the Initial Statement of Reasons.

During this rulemaking cycle legislative enactments necessitated revisions to the 2001 California Building Code. Senate Bill 1025 (Ch. 642, Stats. of 2003) revised Government Code Section 12955.1, and added Government Code Section 12955.1.1, regarding the definition of discrimination to include prescribed requirements relating to multistory dwelling units (townhouse-type) in buildings without an elevator that consist of at least four condominium dwelling units or at least three apartment dwelling units.

The enacted legislation included an operative date of July 1, 2005, and gave authority to the Department of Housing and Community Development to adopt regulations necessary for the implementation of the new requirements.

The Department of Housing and Community Development proposed the adoption of regulations through the emergency process for the most critically needed updates relative to the buildings HCD has the authority to regulate. The emergency regulations were initially approved by the Building Standards Commission on May 18, 2005 and subsequently re-approved on September 21, 2005. These regulations were published as a July 1, 2005 emergency supplement to the 2001 California Building Code. Currently the Department is in the process of finalizing that emergency rulemaking.

To provide the most accurate record possible, the Department is including the July 1, 2005 emergency supplement language used to modify the 2001 California Building Code. This language is contained in Sections 1102A.3-C, 1105A.1, 1105A.2, 1105A.2.1, 1105A.2.2 and 1107A.5 of the Chapter 11A proposed for repeal and shown in double strikeout. Additionally, the Department is showing revisions that will be included in the rulemaking to finalize the emergency rulemaking package. These revisions are contained in Sections 1102A.3.1, 1104A.2, 1107A.3-C of the proposed Chapter 11A and shown in double strikethrough and double underline.

The Department has made non-substantive, grammatical, or editorial language revisions to the following Sections and Figures to further clarify statute, provide clarity to the regulation, or correlate a jointly adopted regulation or figure with the Division of the State Architect. These sections and figures have been revised without regulatory effect ; Sections 101.17.9.1, 217-P, 1102A.3.1, 1112A.9, 1143A.10, Figures 11A-03A through 11A-03K, and Figure 11A-03M.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

(Pursuant to Government Code Section 11346.9(a)(2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s))

The Department of Housing and Community Development has determined that the proposed regulatory action WOULD NOT impose a mandate on local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S)

(Government Code Section 11346.9(a)(3)) [List a summary of EACH objection or recommendation regarding the specific adoption, amendment, or repeal proposed, and explanation of how the proposed action was changed to accommodate each objection or recommendation, or the reasons for making no change. This requirement applies only to objections or recommendations specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the actions or reasons for making no change. Irrelevant or repetitive comments may be aggregated and summarized as a group]

The following is the Department's summary of and response to comments specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the actions or reasons for making no change:

COMMENTS 1-23 WERE RECEIVED DURING THE 45-DAY COMMENT PERIOD.

(The text with proposed changes clearly indicated was made available to the public from May 27, 2005 until August 1, 2005.)

1. **COMMENTER:** Michael Graham
Chief Building Official
City of Woodland
300 First St
Woodland, CA 95695

COMMENT F-1, Item No. 2-4, Section 1118A.1: The commenter requested grammatical revisions to Section 1118A.1, and suggested the addition of an added exception to exempt areas of evacuation assistance on the upper floors of non-elevator Group R, Division 1 buildings and multistory dwelling units which are required to be accessible by Section 1102A.3.1.

RESPONSE: Section 1118A.1 is contained in Division III of Chapter 11A. Section 1117A provides the general scoping and application requirements for Division III and specifies that the provisions contained in Division III apply only to accessible floors. Section 1118A.1 further qualifies that areas of evacuation assistance are only required where buildings or portions of buildings are required to be accessible. The Department cannot find justification to amend this section because it does not cover a floor or floors that are not required to be accessible.

2. **COMMENTER:** Michael Graham
Chief Building Official
City of Woodland
300 First St.
Woodland, CA 95695

COMMENT F-1, Item No. 2-4, Section 1132A: The commenter requested an exception be added to Section 1132A.8.1. The proposed exception would exempt interior passage doors within covered multi-family dwelling units from compliance with Part 12, Title 24, Section 12-10-202.

RESPONSE: Section 12-10-202 is adopted under the authority of the State Fire Marshal. For Group R occupancies it only applies when the occupant load in excess of 10. The Department concurs with this

suggestion and has amended Section 1132A to be in compliance with the regulations adopted by the State Fire Marshal. To fully address this comment the Department also amended Sections 1126A.6.1, and 1132A.8.

3. COMMENTER: Hal Kelton
Sierra Pacific Sales
26478 Honor Ln.
Salinas, CA 93908

COMMENT F-2, Item No. 2-4, Section 1132A.8.1: The commenter believes that adoption of Section 1132A.8.1 as written will create ambiguity and inconsistent enforcement. The commenter also does not support the requirement for a return on lever type hardware and believes the benefit gained by this requirement is very low.

RESPONSE: Section 12-10-202 is adopted under the authority of the State Fire Marshal. For Group R occupancies, it only applies when the occupant load in excess of 10. The Department does not have the authority to eliminate this requirement in its entirety or evaluate its effectiveness as it is under the exclusive adoption authority of the State Fire Marshal.

4. COMMENTER: Shelia Lee
CALBO
2215 21st St.
Sacramento, CA 95818

COMMENT F-5, Item No. 4-15: The commenter is requesting that the Department adopt the 2205 Edition of the National Design Specification for Wood Construction because it is the most current edition published by the American Forest and Paper Association.

RESPONSE: The 2005 Edition NDS was not published when this code change proposal was submitted to the Building Standards Commission during the 2004 rulemaking cycle. This request is a substantive change that would require significant additional time for technical review by HCD and additional time for public review and comment, both of which HCD can not accommodate within this 2004 rulemaking cycle.

HCD is currently developing amendments to the International Building Code (IBC), 2006 edition, which will adopt the 2005 edition NDS by reference. This comment will be considered during HCD's development of amendments to the 2006 edition IBC. HCD plans to submit this code change package to the Building Standards Commission in May 2006.

5. COMMENTER: Daniel Larsen
CALBO Access Committee
7620 Auburn Blvd
Citrus Heights, CA 95610

COMMENT L-1(D), Item No. 2-4, Section 1118A.1: The commenter requested grammatical revisions to Section 1118A.1, and suggested the addition of an added exception to exempt areas of evacuation assistance on the upper floors of non-elevator Group R, Division 1 buildings and multistory dwelling units which are required to be accessible by Section 1102A.3.1.

RESPONSE: Section 1118A.1 is contained in Division III of Chapter 11A. Section 1117A provides the general scoping and application requirements for Division III and specifies that the provisions contained in Division III apply only to accessible floors. Section 1118A.1 further qualifies that areas of evacuation assistance are only required where buildings or portions of buildings are required to be accessible. The Department cannot find justification to amend this section because it does not cover a floor or floors that are not required to be accessible.

6. COMMENTER: Daniel Larsen
CALBO Access Committee
7620 Auburn Blvd
Citrus Heights, CA 95610

COMMENT F-1, Item No. 2-4, Section 1132A.8.1: The commenter requested an exception be added to Section 1132A.8.1. The proposed exception would exempt interior passage doors within covered multi-family dwelling units from compliance with Part 12, Title 24, Section 12-10-202.

RESPONSE: Section 12-10-202 is adopted under the authority of the State Fire Marshal. For Group R occupancies it only applies when the occupant load is in excess of 10. The Department concurs with this suggestion and has amended Section 1132A to be in compliance with the regulations adopted by the State Fire Marshal.

7. COMMENTER: Eugene Lozano Jr.
California Council for the Blind Inc.
4537 Sycamore Ave.
Sacramento, CA 95841

COMMENT EM-1 (A), Item No. 2-4, Section 1112A.9: The commenter is suggesting the Department revise its current proposal contained in Section 1112A.9 for the center to center spacing of detectable warning surfaces.

RESPONSE: The Building Standards Commission Accessibility Code Advisory Committee previously recommended that the Department and the Division of the State Architect coordinate the spacing requirements and comply with the proposed Americans with Disabilities Act Guidelines. As a result of that suggestion the Department is proposing the current spacing requirements of 1.67 inches minimum to 2.35 inches maximum, and has correlated this dimension with the dimensions proposed by the Division of the State Architect.

8. COMMENTER: Eugene Lozano Jr.
California Council for the Blind Inc.
4537 Sycamore Ave.
Sacramento, CA 95841

COMMENT EM-1 (B), Item No. 2-4, Section 1115A.5: The commenter is requesting the Department revise Section 1115A.5 to require striping on all treads at interior stairways. The commenter also is suggesting that the Department add language that would specifically prohibit the use of grooves to identify treads at exterior stairways.

RESPONSE: The Department has not proposed a change to this requirement and has determined any change would need to be presented and evaluated by a large stakeholder group to determine the effect of the proposal. In addition the Department cannot find justification to add language which specifically covers grooves. The strip requirement is for contrasting color at the edge of the tread to make the edge of the tread more identifiable, this requirement is not eliminated if grooves are used at that location.

9. COMMENTER: Eugene Lozano Jr.
California Council for the Blind Inc.
4537 Sycamore Ave.
Sacramento, CA 95841

COMMENT EM-1 (C), Item No. 2-4, Section 1124A.4: The commenter is suggesting the Department revise the proposed and existing requirements for Hall Call Buttons.

RESPONSE: The Department concluded this request is a substantive change that would require involvement from all stakeholders, the elevator industry, and a more thorough analysis of the ANSI A-117 requirements. The Departments proposed language appears to be in substantial compliance with ANSI A-117 and with the exception of the button illumination substantially the same as the Division of the State Architect.

10. COMMENTER: Eugene Lozano Jr.
California Council for the Blind Inc.
4537 Sycamore Ave.
Sacramento, CA 95841

COMMENT EM-1 (D), Item No. 2-4, Section 1124A.3.3.2: The commenter is suggesting the Department revise the proposed and existing requirements for Car Control Buttons.

RESPONSE: This request is a substantive change that would require involvement from all stakeholders, the elevator industry, and a more thorough analysis of the ANSI A-117 requirements. The Departments proposed language appears to be in substantial compliance with ANSI A-117 and with the Division of the State Architect.

11. COMMENTER: Eugene Lozano Jr.
California Council for the Blind Inc.
4537 Sycamore Ave.
Sacramento, CA 95841

COMMENT EM-1 (E), Item No. 2-4, Section 1133A.4: The commenter is suggesting the Department revise the proposed and existing requirements for countertops and include additional requirements to prohibit sharp/abrupt edges or angles where two or more plans meet.

RESPONSE: The Department concluded a change to this section would require the input of a specific group of stakeholders including countertop manufacturers, cabinet makers, and building representatives as well as persons with physical and sensory disabilities. Some of the issues which must be considered prior to the development of regulations for these surfaces include the dimensional radius allowed for edges and adjacent surfaces, the availability or the ability to develop products which could address this concern, and the length of time required if any to make these materials or products available. The Department is also concerned that without an adequate level of specificity any proposed language may be misinterpreted and the provisions not clear to all stakeholders.

12. COMMENTER: Eugene Lozano Jr.
California Council for the Blind Inc.
4537 Sycamore Ave.
Sacramento, CA 95841

COMMENT EM-1 (F), Item No. 2-4, Section 1134A.4: The commenter is suggesting the Department revise the proposed regulations to require signage for room identification within a dwelling unit.

RESPONSE: The section referenced in this comment applies only to bathing facilities inside a covered multifamily dwelling unit. The Department could not find substantiation for the required identification of bathing and toilet facilities inside a private dwelling unit. This comment has been submitted previously and as a result of that comment the Department reviewed the proposed and existing requirements for signage at common use bathing and toilet facilities and has proposed changes to address signage at those areas.

13. COMMENTER: Eugene Lozano Jr.
California Council for the Blind Inc.
4537 Sycamore Ave.
Sacramento, CA 95841

COMMENT EM-1 (G), Item No. 2-4, Section 1135A.1: The commenter is requesting the Department revise Section 1135A.1 to include a requirement for Braille or large print labels to be installed on washers and dryers inside individual dwelling units.

RESPONSE: The Department could not find substantiation for the required identification of the controls on washers and dryers located inside a dwelling unit. This request is a substantive change that would require the input of a large group of stakeholders, including persons with physical and sensory disabilities, manufacturers, property owners and managers, and building representatives as well as other interested parties.

14. COMMENTER: Eugene Lozano Jr.
California Council for the Blind Inc.
4537 Sycamore Ave.
Sacramento, CA 95841

COMMENT EM-1 (H), Item No. 2-4, Section 1141A: The commenter is requesting the Department revise Section 1141A to require swimming pools serving covered multifamily dwellings be provided with a strip delineating the nosing of each tread at steps used in and out of the swimming pool.

RESPONSE: This request is a substantive change that would require the input of a large group of stakeholders, including persons with physical disabilities, contractors, designers, property owners, and building industry representatives as well as other interested parties.

15. COMMENTER: Ewa O'Neil
City of Los Angeles
201 N. Figueroa St. Suite 1000
Los Angeles, CA 90012

COMMENT EM-3(C), Item No. 2-4, Section 1134A.4: The commenter is requesting the Department revise Section 1134A.4 to include a reference to Figure 11A-1D.

RESPONSE: The Department could not find substantiation for this suggestion. The commenter's suggestion would impose the same turning and area requirements inside a dwelling unit bath and toilet room as required in public accommodations and public use areas. This request is a substantive change.

16. COMMENTER: Ewa O'Neil
City of Los Angeles
201 N. Figueroa St. Suite 1000
Los Angeles, CA 90012

COMMENT EM-3(D), Item No. 2-4, Section 1102A.2: The commenter is requesting the Department revise Section 1102A.2 to include buildings constructed after March 13, 1991. The commenter is also requesting the Department clarify a possible contradiction between the definition of alteration contained in Chapter 2 and language in section 1102A.2 because the definition of alteration could be construed to include an addition to a covered multifamily building and possibly exempt from accessibility requirements.

RESPONSE: The Department reviewed section 1102A.2 and does not find the need for revision pertaining to the first part of the comment. The second paragraph of section 1102A.2 does address existing buildings constructed after March 13, 1991 and clarifies the need for them to be maintained accordingly. However the Department does concur with the second part of the comment and has proposed a revision to resolve the potential conflict.

17. COMMENTER: Ewa O'Neil
City of Los Angeles
201 N. Figueroa St. Suite 1000
Los Angeles, CA 90012

COMMENT EM-3(E), Item No. 2-4, Section 1118A.1, Exception 2: The commenter is requesting the Department revise Section 1118A.1 to clarify that an addition which meets the definition of a covered multifamily dwelling when considered alone is not exempt from the provisions for areas of evacuation assistance.

RESPONSE: Section 1118A.1 is jointly adopted with the Office of State Fire Marshal. HCD concurs with this suggestion and has amended Section 1118A.1 exception #2 to clarify that additions are not exempt if when considered alone they meet the definition of a covered multifamily dwelling. The proposed revision was discussed and forwarded to the Office of the State Fire Marshal for review and inclusion in its rulemaking package.

18. COMMENTER: Ewa O'Neil
City of Los Angeles
201 N. Figueroa St. Suite 1000
Los Angeles, CA 90012

COMMENT EM-3(F), Item No. 2-4, Section 1132A.6: The commenter opines that Section 1003.3.1.5 creates a conflict with the language proposed by Department in section 1132A.6.

RESPONSE: The Department has reviewed both sections and finds that the sections in question both need to be maintained without revision. Section 1003.3.1.5 is applicable to areas of a building which are not required to be accessible while section 1132A.6 only applies to buildings or portions of buildings required to be accessible. The comment if adopted would increase the allowable force to open fire doors in areas required to be accessible from 15 pounds to a maximum of 30 pounds.

19. COMMENTER: Ewa O'Neil
City of Los Angeles
201 N. Figueroa St. Suite 1000
Los Angeles, CA 90012

COMMENT EM-3(G), Item No. 2-4, Section 1118A.1, Exception 1: This comment is actually more a question than a comment, and asks if section 1118A.1, exception 1 can be used to exempt other items such as doors, landings, etc.

RESPONSE: The Department reviewed this issue and finds that exception 1 covers only areas of evacuation assistance. The other provisions contained in Chapter 10 and Chapter 11A are applicable and not affected by the exception. The exception applies only to the requirement for areas of evacuation assistance and not other egress components.

20. COMMENTER: Chad F. Allen

COMMENT EM-4, Item No. 2-4, None specified: The commenter opposes the use of detectable warning surfaces at curb ramps and is also opposed to the 36 inch depth requirement currently proposed.

RESPONSE: The Department is consistent with The Division of the State Architect and intends to follow the lead set by that Department in the development of standards, location, and dimensions of detectable warning surfaces to be used in California.

21. COMMENTER: Dirk Neyhart
1400 Hearst
Berkley, CA

COMMENT EM-5, Item No. 2-4, None specified: The commenter is concerned about the safety and use of detectable warning surfaces and expresses the opinion that the regulations act to improve mobility and safety for persons who rely on them for independent travel.

RESPONSE: The Department is consistent with The Division of the State Architect and intends to follow the lead set by that Department in the development of standards, location, and dimensions of detectable warning surfaces to be used in California.

22. COMMENTER: David P. Tyree
American Paper and Forest Association (AF&PA)
American Institute of Timber Construction (AITC)
1090 Mesa Road
Colorado Springs, Co

COMMENT EM-2, Item No. 4-15, Chapter 23 Division III, Sections 2316 and 2316.1: The 2005 Edition of the *National Design Specification® for Wood Construction* is now available. It was approved as an *American National Standard* on January 6, 2005, with a designation ANSI/AF&PA NDS-2005. The 2005 NDS was developed as a dual format specification incorporating design provisions for both allowable stress design (ASD) and load and resistance factor design (LRFD). The NDS is adopted in all

model building codes in the U.S. and is used to design wood structures worldwide. See attached article detailing the changes that have been made between the 2001 and 2005 editions of the NDS. For California to be up-to-date in the wood standards, the 2005 edition of the NDS should be referenced.

RESPONSE: The 2005 Edition NDS was not published when this code change proposal was submitted to the Building Standards Commission during the 2004 rulemaking cycle. This request is a substantive change that would require significant additional time for technical review by HCD and additional time for public review and comment, both of which HCD can not accommodate within this 2004 rulemaking cycle.

HCD is currently developing amendments to the International Building Code (IBC), 2006 edition, which will adopt the 2005 edition NDS by reference. HCD plans to submit this code change package to the Building Standards Commission in May 2006.

COMMENT Section 2316.3, 1 through 4 amendments to the 2001 NDS, and NDS Table 2.3.2:

DELETE THIS AMENDMENT ENTIRELY. The National Design Specification for Wood Construction is a national consensus document that has been reviewed by a committee made up of design professionals, industry, academia, architects and structural engineers that are considered experts in the area of wood design. The NDS follows the ANSI procedures required to be an ANSI consensus document. When the 1991 NDS was adopted by reference in the 1997 Uniform Building Code, it was the first time this document had been adopted by reference. A major change was introduced in the 1991 NDS regarding the duration of load factor assigned to wind and seismic forces. In the past a one-day duration was CONSERVATIVELY assumed for wind and seismic forces, and a corresponding duration factor of $CD = 1.33$ was the traditional value. Wind forces in the IBC and previously in the UBC are based on the wind force provisions in ASCE 7. Research has indicated that the peak forces in ASCE 7 have a cumulative duration of a few seconds. In addition, strong motion earthquake effects are typically less than a minute duration. Because of these duration studies, the 1991 NDS has adopted an accumulated duration of 10 minutes for wind and seismic forces to $CD = 1.6$ on the Madison curve. The revisions made to the 1997 UBC were made in an effort to get SEAOC's support for the new NDS. Their concern was that there was not enough information to justify the CD increase for seismic to more than what had been actually tested, which is indicated in footnote #1. The footnote was further expanded to include wind, which is covered in footnote #2. Since this time, the engineering community was a much better concept of duration of load has become comfortable with the 1.6 duration of load factor. There are still a few engineers in the California area that are still grasping at the 1.33 factor. The ASTM procedure of determining the design values published in the NDS actually requires a REDUCTION in the design values for wind and seismic forces, therefore, when a designer uses the DOL for wind or seismic, it is only allowing the design value representative for that duration to be used in the design, it is not really a stress INCREASE.

Considering the fact that the NDS is an ANSI approved consensus document, any changes such as the one represented by this revision, should be taken through this process and not be considered for revision at the State level. This is NOT a new issue as it was in 1991. It has been discussed in the ANSI process and determined to be the most accurate in the design of wood structures. The 1.6 duration of load factor for allowable stress design will align directly with the time factor used in load and resistance factor design.

RESPONSE: This request is a substantive change that is outside the scope of the proposed editorial changes, and would require significant additional time for technical review by HCD and additional time for public review and comment, both of which HCD can not accommodate within this 2004 rulemaking cycle.

HCD did not propose substantive changes to this model code provision (amendment to the NDS), in order to maintain statewide consistency with regard to the application of duration-of-load factors used with wood design. This model code amendment will be discontinued upon the adoption of the 2006 edition IBC.

COMMENT Section 2316.3, #5 amendment to the 2001 NDS: In our opinion, this provision is not necessary. The temperature adjustments in the 2001 NDS are mandatory when structural members are exposed to temperatures between 100-150 degrees for extended periods of time. This requirement applies to both treated and untreated wood.

RESPONSE: This request is a substantive change to a model code provision that is outside the scope of the proposed editorial changes, and would require significant additional time for technical review by HCD and additional time for public review and comment, both of which HCD can not accommodate within this 2004 rulemaking cycle. This comment will be considered during HCD's development of amendments to the 2006 edition IBC.

COMMENT Section 2316.3, #6 amendment to the 2001 NDS: The second paragraph does not appear to be necessary. In the past, the NDS had provisions which required a 10 percent reduction factor for fire retardant lumber. The 10 percent reduction factor was associated with the elevated temperatures used in the kiln drying treatment. Strength properties of materials air-dried after treatment were reported to have little effect. In other situations, the reduction may be more than 10 percent. Since there are so many processes and different drying techniques, the NDS now requires that the allowable design values, including connection design values, for lumber and glued laminated timber pressure-treated with fire retardant chemicals be obtained from the company providing treatment and redrying service. In many or most of these cases, these companies will have an ICBO or ICC Evaluation Report.

Our current the comment in the first paragraph above takes exception to the second paragraph but it seems that the entire item (paragraphs 1 through 3) is awkward since the NDS does not contain design values for FRT. NDS says to get design values elsewhere. The method for arriving at design values, where information should be submitted and who should do the testing just seems to be awkwardly placed as an NDS modification. The process for addressing proprietary information is handled elsewhere in the building code- correct? If so, this amendment should be dropped entirely especially since the process described does not seem to be rigorous enough to ensure that adequacy of the proprietary product in general.

RESPONSE: This request is a substantive change to a model code provision that is outside the scope of the proposed editorial changes, and would require significant additional time for technical review by HCD and additional time for public review and comment, both of which HCD can not accommodate within this 2004 rulemaking cycle. This comment will be considered during HCD's development of amendments to the 2006 edition IBC.

23. COMMENTER: California Building Standards Commission
Code Advisory Committee
2525 Natomas Dr
Sacramento, CA

COMMENT: At the January 26, 2005 Access Committee, Code Advisory Committee meeting the Committee directed the Department to communicate with the Division of the State Architect to correlate the signage requirements in Chapter 11A with those in Chapter 11B. The May 2005 monograph submitted by the Department reflected those changes and the Department did not receive any comments regarding those changes during the 45 day comment period. However, the Division of the State Architect did receive comments regarding the finish and contrast of signage during the 45 day comment period. Those comments led to a proposed revision.

RESPONSE: The Department is proposing to revise Section 1143A.5 to remain consistent with the Division of the State Architect and continue to comply with the direction offered by the Code Advisory Committee..

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

(Government Code Section 11346.9(a)(4))

The Department of Housing and Community Development has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective as and less burdensome to affected private persons than the adopted regulation.

Title 24 of the California Code of Regulations, known as the California Building Standards Code, is based upon model codes which are developed and published by private not-for-profit organizations. These private organizations issue new editions of their respective model codes every three years and California law requires the Department to propose for adoption these model codes with appropriate amendments as necessary.

Adoption of The Most Recent Codes

Health and Safety Code Section 17922 directs the Department of Housing and Community Development (the Department) to adopt the most recent edition of the Uniform Building Code (UBC) published by the International Conference of Building Officials (ICBO) into Part 2 of Title 24, of the California Code of Regulations. Following the publication of the 1997 UBC, ICBO notified the Department and the California Building Standards Commission (CBSC) that ICBO will no longer publish the UBC. Pursuant to the court case International Association of Plumbing and Mechanical Officials v. California Building Standards Commission (1997) 55 Cal.App.4th 245 (Ct of Appeal 3rd Dist CA) the CBSC is not limited to the statutorily identified model codes in HSC section 17922.

CBSC Direction - Amend the 2001 CBC

In 2001, CBSC determined that it would not adopt the most recent edition of the model code and would instead republish the 1998 CBC as the 2001 CBC. This is not inconsistent with the department's statutory obligations and authority.

For the 2004 Annual Adoption Cycle, the CBSC directed the Department to propose amendments if necessary, which would be placed into the 2001 CBC in Title 24, Part 2 for the CCR.

It is necessary for the Department to review the 2001 CBC prior to proposing amendments in order to incorporate the most recent changes to state and federal laws, provisions, and regulations as amendments to address unique California conditions.

The Department does not believe that the proposed amendments to the 2001 CBC create an adverse economic hardship on either private persons or businesses in the State of California.

The Department does not believe that the proposed amendments to the CBC have a significant adverse impact on California business and individuals, including the ability of California businesses to compete with business in other states; affect the creation of or elimination of jobs within California; effect the creation of or elimination of existing business within the state of California; effect the expansion of businesses currently doing business within the State of California; nor is there an alternative to these regulations that would be as effective and less burdensome to affected private persons.

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES: (Government Code Section 11346.9(a)(5))

No proposed alternatives were received by the Department of Housing and Community Development.

COMMENTS MADE BY THE OFFICE OF SMALL BUSINESS ADVOCATE

(Government Code Section 11347.6) [List each comment by the Trade and Commerce Agency directed at the proposed regulation or at the procedures followed by the Agency in proposing or adopting the regulation, and a response to each comment, including the basis why a comment was rejected, if applicable.]

No comments were received from the Office of Small Business Advocate.